

Submitted October 5, 2005  
Approved As Amended  
Date October 5, 2005

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION  
MEETING NO. 15-05  
Monday, August 15, 2005**

The City of Rockville Planning Commission convened in regular session at the Senior Center in the Carnation Room at 7:06 p.m., Monday, August 15, 2005.

**PRESENT**

**John Britton, Chair**  
**Steve Johnson**  
**Frank Hilton Kate Ostell**  
**Robin Wiener**

**Absent:** Gerald Holtz

**Present:** Art Chambers, Director of Community Planning & Development Services  
Jim Wasilak, Chief of Planning  
Sondra Block, Assistant City Attorney  
Chris Heckhaus, Department of Recreation & Parks  
Deane Mellander, Planner III  
Castor Chasten, Planner III  
Margaret Hall, Planner II  
Rebecca Torma, Planner II  
Sandra Marks, Department of Public Works/Transportation

**REVIEW AND ACTION**

**Final Record Plat PLT2004-00416, King Farm Associates, Pleasant Drive**

The applicant is requesting approval for dedication of public right-of-way for Pleasant Drive within King Farm; King Farm Associates.

Ms. Hall presented the staff report. Ms. Hall stated that this is a property that was before the Planning Commission on March 10, 2004. She stated that there was difficulty with the alignment of the roadway and the WSSC certifying the water tower in that area. Ms. Hall noted that the roadway alignment has now been changed to avoid significant bridging of water lines servicing the adjacent W.S.S.C. water tower. She said the plat dedicates what was once a 28-acre park and is now a 24-acre park.

Ms. Block stated that she does believe that there will be a separate deed dedicating this parcel of land to the City.

Barbara Sears, Attorney, presented the applicant's request. She pointed out that this is to record the park site, Parcel BK conveyed by deed to the City. Ms. Sears stated that Parcel BJ is also being conveyed by deed to the City. There will be a dog park on the north side of Pleasant Drive. The problem with Pleasant Drive is that the original alignment went over a very large water line that would have presented many problems as well as the interruption of service, if they would have to be relocated. Therefore, this alignment was worked out with W.S.S.C., the City, the County and the applicant. The alignment has been accepted by everybody and it involves the different land transfers presented tonight. Ms. Sears stated that she does not believe that there is a revocation action, but that it is just the recordation of the plat. Ms. Block replied that this plat could be approved as a substitute of the original plat if it has not been record. Ms. Sears replied that the original plat was not recorded.

Commissioner Hilton moved, seconded by Commissioner Ostell moved to approve Final Record Plat PLT2004-00416, King Farm Associates, and Pleasant Drive as a substitution with staff recommendations. The motion passed unanimously.

## **RECOMMENDATION TO THE BOARD OF APPEALS**

### **Special Exception Application SPX2005-00354, Strayer University Inc., 4 Research Place.**

The applicant is requesting approval to establish a private business trade and job training school.

Mr. Chasten presented the staff report. Mr. Chasten stated that the applicant plans to relocate its Germantown, Maryland campus to the City of Rockville. If approved as requested, the school will be located on the ground level of the existing 68,100 square foot office building with approximately 16,000 square feet of office space. The office space will be renovated in order to accommodate the day-to-day operations of the school. It is anticipated that approximately 60 percent of the floor space would be utilized for the creation of 13 classrooms and a Learning Resources Center. The remaining 40 percent of the floor space occupied by the school would be designed to accommodate office space being used for administrative and academic support staff. Mr. Chasten stated that the office building is located on the eastern side of the site, while the site's accompanying surface parking is located on the western (front) and eastern (rear) yard areas of the site. Mr. Chasten stated that the existing office building would not be structurally altered or expanded. There are no plans to implement any site or exterior building improvements in order to establish the proposed school use. All improvements will be interior modifications to the existing office space. The average class size will consist of 15 students. The majority of the classes will be offered Monday thru Friday, 6:00 .m. to 10:00 p.m., and Saturday from 9:00 a.m. to 4:00 p.m. Although, not proposed at this time, the applicant would has informed staff that they would like to keep their options available if demand dictates that there would be Sunday classes at some point, but the applicant is not proposing that at this time. The applicant anticipates a maximum of 225 individuals (faculty and students) would be onsite at any one time during the 6:00 p.m. to 10:00 p.m.

weekday timeframe. It is important to note that the maximum number of students that would be attending this university would arrive between the hours of 5:30 p.m. to 11:00 p.m. in order to accommodate its evening weekday parking needs.

Mr. Chasten noted that Condition 4 has been modified. After working with staff and the applicant, the contribution amount of \$82,896 has been changed to \$61,000.

Ms. Marks explained the modification. She noted the peak hour trip difference due to the use. After working with the applicant, the contribution was reduced to \$61,000 for roadway and multi-modal improvements in the Research Boulevard planning area.

The Commission discussed a number of concerns with regard to the number of vehicular trips that would be generated by the proposed school compared to the number of trips that would be generated by a conventional office use housed in the same amount of floor space; the Transportation Demand Management (TDM) fee requiring the applicant make an annual monetary contribution for a period of ten years based on ten cents a square foot of the gross floor area the school would occupy; staff's request that the applicant provide additional funds to install a bus shelter on Research Boulevard; staff's review and analysis of the applicant's traffic study regarding potential impacts on area streets and roadways and mitigation of those impacts; number of students who will drive personal vehicles to the university compared to those who will use mass transit to access the site; pedestrian access to the site by students/staff/employees using mass transit to and from Research Boulevard via Research Place; and, the number and location of street lights located along Research Place and Research Boulevard.

Stuart Barr, Attorney with Lerch, Early and Brewer, presented the applicant's request. He noted that staff and the applicant have had a lot of discussion, particularly Condition 4 regarding the \$41,000 contribution. Mr. Barr stated that they fully support the staff report.

Mr. Geoffrey Roth, Director of Real Estate for Strayer University, Inc. presented the history of Strayer University. He provided an overview of the proposed private business, trade, and job training school and the operational characteristics of the school.

Stuart Barr addressed the transportation contribution. He said he distributed a letter with the applicant's concerns and noted that the amount was a surprise to them. He said they were unaware of the contribution from the beginning. Mr. Barr also noted concerns about the legislative authority for the imposition of the transportation contribution. They certainly understand the CTR Guidelines that address mitigation. Strayer is committed to provide mitigation for its project. Mr. Barr stated that the other main concern is the methodology used to calculate the contribution. Strayer has an evening operation, which would hardly be an impact to the traffic in the area. This is an existing building and property and they are only renovating internally.

After further discussion, Mr. Barr stated that Strayer would provide the \$61,000. He said that this proposal does not violate the City's Master Plan; and, it does not adversely affect

the residents or change the character of the neighborhood. The proposal also complies with the City's Zoning Ordinance.

Ms. Marks addressed the applicant's concerns and explained how staff based the amount of contribution on the am and pm peak hour trips in the area.

The Commission discussed concerns regarding the contribution.

Mr. Roth questioned the TDM agreement and contribution.

Ms. Block defined the traffic contribution, which goes for improvements on streets. The TDM implements programs and plans to get people off the street.

The following citizens testified:

A citizen of Rockville spoke, noting that the school should or could consider modifying the cost of tuition for those students who will use and/or rely on mass transit to arrive and depart of the school.

Harry Thomas, a resident of Lewis Avenue, spoke in support of staff's recommendation that the applicant make a monetary contribution that would provide (where necessary) safe pedestrian access to the site, such as funds for installation of a bus shelter and a lighted crosswalk on Research Boulevard.

After further discussion, Commissioner Johnson moved, seconded by Commissioner Ostell to recommend approval of Special Exception Application SPX2005-00354, Strayer University Inc., 4 Research Place to the Board of Appeals subject to all of the conditions as referenced in the staff report with the following recommended modifications and inclusion of an additional condition of approval: 1) Amend approval Condition 4 to read, "The applicant shall contribute \$61,230 towards roadway and multi-modal improvement in the Research Boulevard planning area." And 2) in consultation with staff, the applicant will examine and determine whether there are ample streetlights on Research Place ensuring safe passage and site access to persons arriving and departing the school via mass transit. The motion passed a vote of 5-0.

## **RECOMMENDATION TO THE MAYOR AND COUNCIL**

### **Preliminary Development Plan Amendment PDP2003-0005B**

The applicant is requesting to amend the Preliminary Development Plan for the Rockville Town Square to allow up to 192,000 square feet of retail and increase the allowable floor area for the proposed Cultural Arts facility.

Commissioner Wiener disclosed that she is part of the incubator program for Montgomery County and it is a possibility that her company would be moving into the building. She asked if she should recuse herself from participating in this application. Ms. Block

explained that the Planning Commission would be making a recommendation tonight, not a final action. There were no objections to Commissioner Wiener remaining on the Commission for this application.

Mr. Mellander presented the staff report. Mr. Mellander stated the amendment is to increase allowable floor area for the Cultural Arts building. The Cultural Arts building would have frontage on Newmarket Street. This Plan has grown because Montgomery County would like to use two floors of the building for a County-sponsored incubator office program. Therefore, the building, itself, has gone up to about a 70,000 square foot. He noted that on March 15, 2004, the Mayor and Council, with the affirmative recommendation of the Planning Commission, approved an amendment to the Preliminary Development Plan PDP2003-00005. The amendment allowed up to six stories on Block 5, reduced the allowable building height on Block 4 to 75 feet and reduced the number of residential units from 777 to 660 units. This PDP amendment proposes to increase the retail area from 184,000 to 192,000 square feet.

Commissioner Hilton asked staff to name the applicants. Mr. Mellander replied that the applicants are the City in conjunction with Federal Realty Investment Trust (FRIT), who are the partners of the project.

In response to Commissioner Hilton, Mr. Mellander explained that staff did an analysis of the parking demand using the traditional calculations. Under the traditional method, the project is very close to meeting the requirements. With the 121 extra spaces in the afternoon peak, and 220 spaces in the weekend peak as shown in the Walker Parking study, plus the added 43 street spaces, staff finds that there should be adequate parking to accommodate the new Cultural Arts building. It was determined that the project was short 41 spaces using the 40% nonresidential reduction allowed under the code. Mr. Mellander stated that it was determined that there would be very minuscule change in the traffic numbers.

The Commission further discussed parking calculations.

In response to Commissioner Ostell, Mr. Chambers explained the parking numbers. He stated that Walker Parking Consultants hired by the City to do a study on the parking. The study indicates that the peak public parking demand for weekday peak and weekend peak hour parking. He discussed reservoir parking for the Town Square project. In addition, there are 978 parking spaces provided for the residential uses for 1,955 parking spaces in the Town Square project. There are an additional 43 on-street parking spaces provided.

In response to the Commission, Mr. Chambers explained the parking spaces accounted for office space, and the project's impact on the traffic in the Town Center. He explained that there would be no significant impact on the traffic because it is a mixed-use development close to Metro. In addition, from the original PDP that was considered, the number of dwelling units have been reduced from 777 units to 660 units.

Commissioner Johnson moved, seconded by Commissioner Hilton to recommend approval of Preliminary Development Plan Amendment PDP2003-0005B to the Mayor and Council per staff recommendations. The motion passed on a vote of 4-1 with Commissioner Ostell voting nay.

### **Use Permit USE2005-00691, Cultural Arts Building**

The applicant is requesting approval for a 64,800 square foot, 5-story building containing retail, artist and studio space and business incubator space in the TCM-1 Zone at the southeast corner of East Middle Lane and future Newmarket Street in Town Square.

Mr. Mellander presented the staff report. This amendment is for the Cultural Arts Building. He noted that the elevations would be presented this evening of the proposed building. He said that a condominium regime is proposed for the building. Federal Realty Investment Trust (FRIT) would own the retail space, the County, the incubator office space, and the City would own the arts spaces. The total number of square feet of the building is approximately 70,800, which includes the 6,000 square feet of the rooftop activity. Parking for this building will be included in the overall parking district plan for the Town Center area.

Mr. Mellander stated that staff is recommending approval of the PDP amendment to allow for the expansion of the Cultural Arts building, submission of the site development plan, façade design to be approved by the Chief of Planning, as well as conditions required by the Department of Public Works.

Tom Quirk, Quirk Architects presented the design of the building. He stated that the top two floors would be occupied by the County's Incubator office, which would assist in generating new business in the City and the County. Mr. Quirk stated that there is significant glass proposed for the second and third floors, which are proposed for artist studio spaces. The building design is a good counterpoint to the more organic design of the library and the more traditional facades of the other buildings in the Town Square project.

Mr. Chambers explained that the building would be a condominium building when it is constructed. The retail would be sold to FRIT, and the City would retain ownership of the second and third floors and approximately 12 to 1800 square feet on the first floor and that would be under City ownership. The City has a Memorandum of Understanding with Rockville Arts Place and they will lease that entire area. As indicated, the top two floors would be in an incubator space to be sold to the County, and the portion of the roof that can be occupied will be part of the City ownership and that is what the City would lease out for different events. The balance of the roof would be common area for the heat exchanger, condensers, etc.

In response to Commissioner Ostell, Mr. Quirk and Mr. Chambers discussed the overall height of the building, a shadow study of the area, and the definition of an incubator office use.

The following citizen testified:

Paul Newman stated that he was on the Board of Directors of Rockville Economic Development. Mr. Newman explained that an incubator is a business development center and the idea is to locate businesses in a common area where they can share computer services, telephone services, copying and other functions essential to a business. The fact that the County and the State have agreed to pay for the construction of this space and to fund and operate an incubator is a major coup. The County is operating two other incubators already. The overall majority of businesses that grow an incubator locate in an area whether an incubator already exists. Businesses that grow in Rockville and in Montgomery County stay there and that is why incubator offices are so desirable.

Commissioner Johnson moved, seconded by Commissioner Wiener to recommend approval of Use Permit USE2005-00691, Cultural Arts Building per staff recommendations. Commissioner Ostell commented that she has already voted against the PDP Amendment because of her concerns about traffic and parking. She stated that a shadow study should be considered. The motion passed on a vote of 4-1 with Commissioner Ostell voting nay.

#### **Use Permit Amendment USA2003-00674B, Town Square Block 5**

The applicant is requesting approval to delete multi-family units and replace with retail in the TCM-2 Zone.

Mr. Mellander presented the staff report. Mr. Mellander stated that the applicants are now requesting an amendment to delete four residential apartments in order to permit the installation of a two-story health and fitness club (Gold's Gym). This portion of the building would front along Maryland Avenue.

Mr. Mellander presented the existing façade as approved for that portion of the block. The amendment will require a change in the façade for that section of the building. The applicants wish to have large windows overlooking the street, in place of the windows that would have been associated with the residential units. The change involves the area between the driveway entry to the Block 5 garage and the point where this block joins Block 4. The façade remains unchanged above the second floor. Mr. Mellander stated that, in order to retain consistency, the staff recommends that the framing treatment of the new windows be consistent with the framing treatment of the other windows on the respective façades.

Commissioner Hilton inquired if the reduction of four apartments would lessen the number of MPDUs. Mr. Mellander replied that there would be no reduction in the MPDUs for this project. Commissioner Hilton also expressed concern that he does not see too much difference between this amendment application and spot zoning. He said he is concerned about what would happen when the tenant leaves the space, which he feels is not in character with the rest of the surrounding uses.

Ms. Block stated that this is not spot zoning. It is not unusual to have use permit amendment to accommodate the tenant.

Commissioner Britton reiterated his concern about the use and appearance of the facade. He asked if this tenant would take over the ground level of the space. Mr. Mellander replied that they would use both the ground and second levels. Commissioner Britton stated that the monolithic look damages the integrity of the project and that particular corner. He noted that the windows do not match the façade of the building. He said that these tenants come and go and if the gym leaves, what would be left is a gaping two-floor hole in the project, which may not be able to be filled by another two-story tenant right in the middle of Town Center. Therefore, he said he is inclined not to go along with this request.

In response to Commissioner Johnson, Mr. Mellander pointed out the location of the portion of the building being discussed this evening.

Brian Spencer with Development Management Group stated that he was representing FRIT and RTS Residential. Mr. Spencer spoke about some of the issues that were raised. The health club is needed and there is no other place to accommodate a 20,000 square foot use. The fitness club would be a storefront, but would be consistent with both the architecture above and the retail treatment at the street level. The fitness club would be there for many years and a very good use for the property. He said that in the future, there is an opportunity for a bookstore, or a home goods store to be located there. He explained some of the Commission's concern about the elevation and said they would be willing to bring back the rendering of the design.

Commissioner Johnson questioned the term of the lease. Mr. Spender replied that it would be a ten-year lease.

Commissioner Wiener asked how the design of the portion of the building would flow with the retail uses in the area.

The following citizens testified:

Nadim Tahir, President of Rosehill HOA testified that they have been supportive of the Town Center development. He said he was not aware of plan for a gym and he said that his initial reaction to the plan was the same as Commissioners Britton and Johnson. He believes that the Town Center is a very classy place; it already has a gym, which is usually empty and not very attractive to look at. He said that a better class of tenant should go in there. He asked that the applicants try a little harder.

Bridgett Newton, 10 Dale Drive testified that the City should not allow this use in the Town Center.

Tony Sherling stated that she lives in Newmark Commons. She said she agrees with the other members of the community that they do not need this use in the Town Center.



The Commission discussed concerns regarding changing the retail use back to residential.

Commissioner Britton said he would like to see a rendering of how the two stories would look before he would be favorably inclined to vote for this application.

Commissioner Britton moved, seconded by Commissioner Wiener not to recommend Use Permit Amendment USA2003-00674B, Town Square Block 5 to the Mayor and Council. The motion passed on a vote of 5-0.

## **BRIEFING**

**Planned Residential Unit Exploratory Application PRU2005-00022, Chestnut Lodge** – for the construction of 36 single family detached dwellings, the rehabilitation of the existing “Little Lodge” for a single family dwelling, and construction of seven condominium units in the Chestnut Lodge building, in the R-S Zone at 500 West Montgomery Avenue.

Commissioner Britton stated that public comments would be received after the briefing.

Ms. Torma presented the staff report. Ms. Torma discussed the zoning modifications for side yard setbacks for the nine lots, increase in height from the accessory structures from 15 to 18 feet and located in the side yard. Ms. Torma noted that two lots in the rear portion of the site would need a rear setback of 11 feet instead of 25 feet as required. The Chestnut Lodge has modifications of the height of the existing building as 63 feet and then new addition would be 41 feet instead of 35 feet as permitted. The Stable will be reconstructed will have a height of 25 feet instead of 15 feet. Frieda’s Cottage has a front yard setback of 13 feet instead of 30 feet. Rose Hill Barn has a 9-foot front yard setback instead of 30 feet.

Ms. Torma stated that the location of the right-of-way is another issue. Staff’s policy is one foot behind the sidewalk to one foot behind the sidewalk, which would permit roadway, curb and gutter, sidewalks, driveway aprons and street trees to be maintained by the City. The applicant is proposing to dedicate street right-of-way from back of curb to back of curb that would be maintained by the City. Staff has already agreed to a reduced right-of-way of 53.33 feet, which includes a five-foot sidewalk and a 7-foot tree lawn. Another issue in the historic area is the flush mounted curb in a striped area. Staff does not believe that this would help or encourage people to drive on the lawn and possibly damage the roots of the trees. The last issue is the modification of a side yard setback of 10 feet for the nine lots. The applicant is still committed to use the encroachments in the Zoning Ordinance, which would give them relief from the eleven-foot side yard setback.

Jody Kline, Attorney, familiarized the Commission with the Chestnut Lodge property and plans for redevelopment of the site. He provided the Commission with the issues of architecture, community design and character of the application.

Steve Gang with the Lessard Architectural Group, Inc. discussed the lot sizes, right-of-way, width of roadways, setbacks, design of the proposed houses, maintenance of private streets, and ownership of the parkland.

Mr. Kline and the Commission further discussed the applicant's issues of concern such as the side yard setbacks for nine of the houses, reduction of rear yard setback for two lots, the elevation of the garages, who would be maintaining sidewalks and trees, design of the curb and gutter along Thomas Street, design of the curbs to be constructed, sewer and water lines, Thomas Street improvements, dedication of parkland, maintaining private streets, public street standard, the amount of impervious surface on the site, and the compatibility of this community to the surrounding neighborhoods in the West End, zoning standards per this development as well as stormwater management for the site.

Morty Levine, President of Chestnut Lodge Properties and the owner of the property stated that they assume the responsibility to develop the community that represented old Rockville. He said that they have to have a little imagination and a little flexibility. The City's Master Plan talks about properties in the historic zone that flexibility should be given to the developer and that is what he is trying to achieve. He stated that he is trying to save the historic nature of this property by adding to the value of the existing hotel and the existing historic buildings on the site to restore them, and rehabilitate them and save the historic nature of this property. Mr. Levine stated that they are trying to leave the front as a pristine open area to add to the value of the condominiums in the historic Lodge building. He said the cost of restoring these historic buildings will be astronomical. Mr. Levine further discussed the modifications and waivers regarding the setbacks, the parkland, and their meetings with the community.

Mr. Levine answered questions from the Commission regarding sidewalks, and placement of utilities.

Dan Pino, Civil Engineer with Loiederman Soltesz Associates, responded to questions from the Commission regarding the stormwater management and whether the development would exceed the capacity of the existing system. The representative stated that he understands the concerns of the Commission and that they would look more closely at this issue during the approval process.

Mr. Kline further discussed some of the issues regarding the parkland on the site.

Chris Heckhaus responded to questions from the Commission regarding the dedication and who would maintain the parkland.

Ms. Block spoke about legal issues regarding the parkland and why the parkland should be dedicated to the City. Ms. Block also discussed the sidewalks and utilities being up to City standards.

The Commission discussed concerns with regard to who would own the parkland, which would maintain and monitor the activities in the park.

Scott Allen, Allen & Associates responded to questions from the Commission regarding the design, heights of the houses and the garages and the grading for the proposed homes and the relationship to existing homes.

Mark Lewis, Landscape architect, talked about the landscaping, decorative walls parallel to the street, and retention of existing trees.

In response to Commissioner Ostell, the applicant's engineer discussed pedestrian traffic on Thomas Street. He noted that the sidewalk would continue up past Frieda's house. They would not construct the sidewalk where there is a significant tree stand.

Don Zimar, Arborist of Zimar & Associates discussed the sidewalk on Thomas Street and its affect on the trees.

The following citizens commented:

1. David Hill, representing Peerless Rockville supports the project and pledges to assist the owner of Chestnut Lodge in any way to facilitate the restoration and use of the existing historic buildings on the property. Peerless Rockville honors the design and the overall characteristics of the Design Guidelines. Mr. Hill thanks Peerless Rockville for accepting title to Frieda's Cottage. Mr. Hill spoke about the historic buildings on the site. He noted that the project meets the City's Master Plan and design guidelines. Mr. Hill stated that the proposed development provides conservation, maintenance easement for the front acreage of West Montgomery's open space. Mr. Hill stated that they would like to see it as open space as a passive use.

Mr. Hill stated that Frieda's Cottage was offered to Peerless Rockville more than 18 months ago for use as a museum. Peerless Rockville has concerns about Frieda's Cottage in that the Cottage is very small for a museum and this use would bring more traffic to the neighborhood than other uses. It would require a significant amount of parking spaces for a non-residential use and impossible to bring it into code compliance with public use and any other possibility. A museum use might destroy the character of the small structure. Therefore, Peerless would like to return the Cottage as a residential use with the element of having it open to the public on a limited basis and they suggest that the structure should not count as a PRU use in the residential unit. It has always been a residential use since it was built in 1936.

Mr. Hill stated that Peerless supports the applicant's plan for the historic structures on the property as well as the open front lawn. Peerless requests that the Planning Commission support permitting Frieda's Cottage to stay and not be counted as a PRU designation.

Nadim Tahir, 304 Autumn Wind Way in Rosehill stated that the Rosehill HOA will give a resolution as to their position of the development at the September 14 Planning Commission meeting. Mr. Tahir stated that the HOA is in support of the plan. On a personal note, some of the issues such as the historic Barn on the property and he wants to

make sure that they do fix it; he has heard that it will cost a lot of money to rehabilitate the Barn. Mr. Tahir expressed his concern that he has heard it was going to be turned into a parking garage and he does not want to see that happen. Another concern is if the City wants to take care of the front lawn, he is concerned about the taxes that he would have to pay. Mr. Tahir stated that he did not care who owned the parkland, but he did suggest that the owner should maintain the parkland. He also noted that there is an agreement that 40% of the expense of their SWM pond has to come from this development. Mr. Tahir stated that he would like to talk to City staff about this agreement.

Commissioner Britton stated that these issues need to come back before the Commission with more information so the issues can be discussed.

3. Jim Vitol, Wall Street, said that he was the president of WECA and was involved in development of Chestnut Lodge since the time of the 113 acres. They are now down to the final 20 acres and this is by far the best development. Mr. Vitol suggested that the park in the front does not seem to be a big issue, whether is owned by the City or the developer. If it is owned by the developer or the HOA, they can put in HOA agreement that if they do not maintain it, the City could come in and maintain it.

Mr. Vitol stated that the stormwater is a concern, therefore it must be reexamined and verified and reexamined again. He said he does not agree that the Frieda's Cottage should be a residence and not counted against the development. He believes it is very critical that the number of units remain within the Ordinance. He also expressed concern that the Wrightman House is going to be a museum because more space is needed. The developer would have to \$200,000 into a trust fund to maintain the house on a long-term basis. The alternative is to take one of the proposed houses out of the back part of the development and space them out a little more and turn the Wrightman House into one of the residential units of the 44 residential units that would be developed. He said that he understands that the Thomas Street access proposed as an emergency access has been deleted, and he thinks that is appropriate, but there still should be the bike path to connect to the bike path at the end of Thomas and Wall Streets so the children can walk and ride their bikes over to Falls Road to get down to the Middle school.

4. Bridgett Newton, President of WECA stated that they have met with the developer several times and they are impressed with the plan. Ms. Newton stated that the Executive Board (WECA) has voted to support this project. They are also in support of the front 8 acres as an HOA ownership and with that ownership, the trees and the lawn will be maintained to the best. The undergrounding of parking for the Lodge condominium parking is great. They wish for underground parking to happen in the Town Center.

5. Rudy Baker, 11 Henson Oaks Lane stated that his residence backs up to the northern boundary of the development. He said he supports the development. He expressed his concern regarding a cut through of pedestrian traffic from the 37 houses on the loop in the back of their development out to Henson Oaks Lane. Mr. Baker stated that he believes there would be a tendency for people to cut through to get to West Montgomery Avenue and to get to Henson Oaks. To do that, they would have to cut through the three properties

at the end of Henson Oaks Lane (12, 13, 14 and 11). He said he knows there will be a buffer at the end on the northern side and he asked if that was going to be, HOA owned and is there any consideration to the potential problem from the cut through pedestrian traffic.

**ADJOURN**

After further discussion, the meeting adjourned at 11:58 p.m.

Respectfully submitted,

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Tyler Tansing, Commission Secretary